

Congress of the United States
Washington, DC 20515

November 14, 2005

The Honorable Arlen Specter
Chairman, Subcommittee on Labor, HHS
and Education Appropriations
186 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ralph Regula
Chairman, Subcommittee on Labor, HHS
and Education Appropriations
2358 Rayburn House Office Building
Washington, DC 20515

The Honorable Tom Harkin
Ranking Member, Subcommittee on Labor,
HHS and Education Appropriations
123 Hart Senate Office Building
Washington, DC 20510

The Honorable David Obey
Ranking Member, Subcommittee on Labor,
HHS and Education Appropriations
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Specter, Ranking Member Harkin, Chairman Regula and Ranking Member Obey:

We urge you to accept the Senate language regarding Title IX of the Education Amendments of 1972 and the Department of Education's March 17, 2005 policy guidance entitled "Additional Clarification of the Intercollegiate Athletic Policy: Three Part Test – Part Three" in the final Fiscal Year 2006 Labor, Health and Human Services, and Education Appropriations Conference Report.

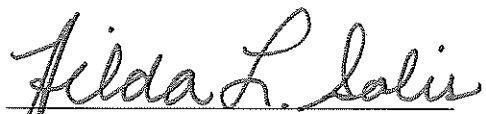
For over thirty years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student sports, and we are concerned that the Department's proposal could unfairly reduce their opportunities for participation in the future. Under the Department's new guidance, schools that provide fewer sports opportunities to women can be considered to have accommodated female students and complied with Title IX, based solely on the results of a student survey. If female students do not reply to a survey emailed to them, the Department will assume that they are not interested in additional sports activities. We are concerned that a survey alone cannot reliably measure students' interest in sports. Many students may not respond to, or even open, email surveys.

The new guidance also does not require colleges to weigh other factors they have traditionally had to consider, such as coaches' and administrators' opinions, or women's athletic participation at nearby high schools or in recreational leagues, even though these factors are important guides to female students' interest and potential. By contrast, in answering a survey, students who have been denied equal opportunity in sports may express only tentative interest in sports or confidence in their skills. Such surveys may actually do little more than reflect the current denial of equal opportunity, rather than the students' true interest and potential. We are concerned that such surveys would provide colleges an easy means of evading Title IX's goal of equal opportunity.

The Senate language responds to these concerns by requiring the Department of Education to prepare a report on the use of surveys by institutions of higher education. The report will include what other information was considered in assessing student interest and the decisions made about athletic opportunities at these institutions. The Senate language further directs the Department of Education not to expend funds on activities associated with this guidance until the conferees have adequate time to review the report.

Title IX has been an extraordinary success in opening up new worlds of participation in sports by young women and girls, and it would be a serious mistake to roll back that progress. We urge you to accept the Senate language regarding Title IX and the Additional Clarification to ensure that the new guidance does not weaken enforcement of Title IX in athletics.

Sincerely,



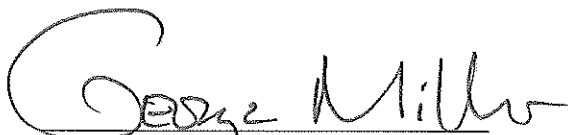
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Co-Chair, Congressional Caucus for
Women's Issues



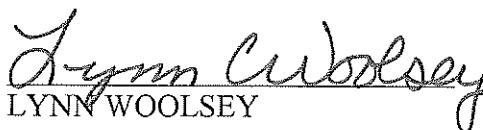
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Co-Chair, Congressional Caucus for
Women's Issues



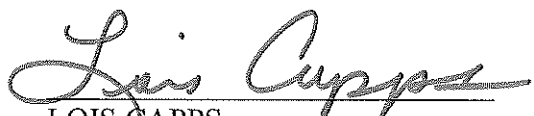
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Ranking Member, Committee on
Education and the Workforce



LYNN WOOLSEY

Ranking Member, Subcommittee on
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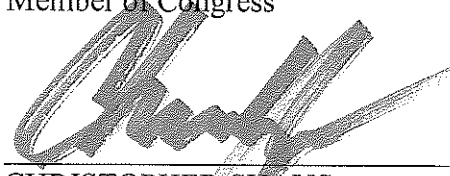
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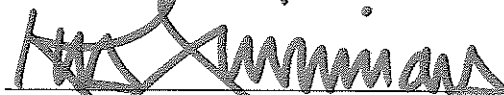


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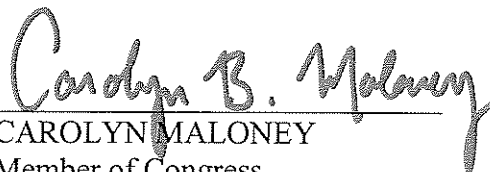
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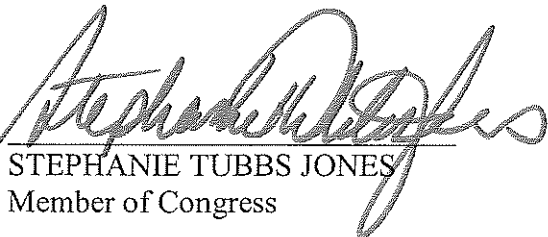
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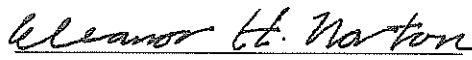
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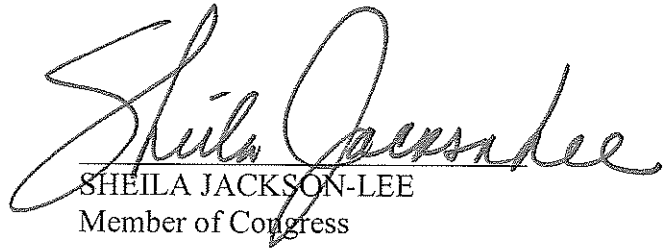
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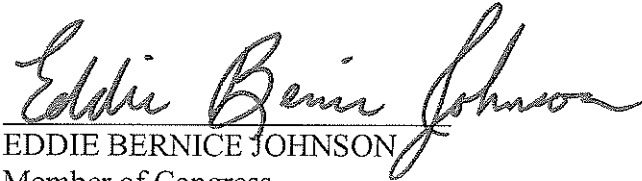
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